

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-9 were pending prior to the Office Action. Claims 10-24 have been added through this Reply. Therefore, claims 1-22 are pending. Claims 1, 9, 17 and 21 are independent.

SCOPE OF CLAIMS NOT ALTERED

Claims 1-9 have been amended merely to address informal issues and to enhance clarity. It is intended that the scope of claims 1-9 remain substantially the same.

§ 102 REJECTION - BRAIS

Claims 1-2, 6-7 and 9 stand rejected under 35 USC 102(b) as allegedly being anticipated by Brais et al. (USP 5,995,936, hereinafter "Brais"). See Office Action, page 2, item 2. Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. See M.P.E.P. 2131; M.P.E.P. 706.02. Thus, if the cited

reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 has the following features. The digital camera includes the image sensing device, the voice input unit, the voice recording controller, the character data generating unit and the character recording controller. Independent claim 9 recites similar features.

As featured in the independent claims, the image of a subject is sensed and the image data representative of the image of the subject is recorded on a recording medium. Also, voice is input and data representing the voice is recorded on the recording medium as well. Furthermore, character data (character codes or text codes) representing the voice is generated and recorded on the recording medium.

When an image is reproduced, the character data is also read from the recording medium and displayed on a display combined with the image data. Thus, the content of the voice can be ascertained with an image playback device that does not possess a voice playback function.

It is important to note that as claimed, **all processes** are carried out in the digital camera since the camera includes all of the elements listed above.

On the other hand, Brais cannot be relied upon to teach or suggest this feature. More specifically, Brais is directed toward a report generated system. As shown in figure 1, the report system is composed of a camera 104 attached on the head of a user 1 by a headband 112, a display screen 110 set in front of an eye of the user 1, and a microphone 106 set in front of the mouth of user 1. The camera 104, the display screen 110 and the microphone 106 are connected via cables to the computer 102, and thus are separate from the computer 102.

As disclosed is Brais, the camera 104 simply takes images and transfers the corresponding image data to the computer 102 for storage. The voice of the user sensed by the microphone 106 is also processed by the computer 102. See column 6, lines 46-56. Within the computer 102, the processing of the voice signals from the microphone 106 and image signals from the camera 104 are processed. Clearly, Brais is completely different from claim 1 wherein it is the camera itself that includes all the elements recited to process both visual and audio data.

For at least the reasons stated above, independent claims 1 and 9 are distinguishable over Brais. Claims 2-8 depend from independent claim 1 directly or indirectly. Therefore, these dependent claims are also distinguishable over Brais for at least the reasons stated above with respect to independent claim 1 as well as on their own merits.

Applicant respectfully requests that the rejection of claims 1-9 based on Brais be withdrawn.

§ 103 REJECTION - BRAIS, ENGLEHARDT

Claims 3-5 and 8 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Brais in view of Englehardt (USP 5,477,511). See *Office Action*, page 4, item 4. Applicant respectfully traverses.

As been shown above, that independent claim 1 is distinguishable over Brais. Englehardt has not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Brais. Therefore, independent claim 1 is also distinguishable over the combination of Brais and Englehardt.

For at least due to the dependency thereon as well as on their own merits, dependent claims 3-5 and 8 also are distinguishable over the combination of Brais and Englehardt.

Applicant respectfully requests that the rejection of claims 3-5 and 8 based on Brais and Englehardt be withdrawn.

NEW CLAIMS

Claims 10-24 have been added through this Reply. All new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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